

ordered. He may be arrested at any time, but there is no permission to enter a house after sunset and before sunrise, nor to break an outer door to effect an entry and make an arrest. (Section 336.) The moment an arrested person pays the decree and costs he must be released.

The decree-holder has to deposit the cost of maintaining the debtor in jail, and if he does not keep up the proper deposit as ordered by the Court, the prisoner will be released on the money (a certain daily rate) coming to an end.

No person can be imprisoned for more than six months for any debt, or more than six weeks for a debt not exceeding Rs. 50. (Section 342.)

The execution of a warrant for civil imprisonment must be properly endorsed and returned to the Court, like any other warrant. (Section 343).

### § 32.—*Insolvent Debtors.*

A person who really cannot pay need not remain in jail. He has only to apply in writing (and this he can also do if his property, not his person, has been attached) to be 'declared an insolvent,' and the holder of a money-decree may also make the like application against his judgment-debtor.

The procedure in these cases is further described in sections 352-360.

## SECTION VII.—ON PROCEEDINGS INCIDENTAL TO A SUIT.

This concludes the subject of a civil original suit, its decree and the mode of executing it. The Code next deals with *incidental* proceedings, of which it will be sufficient to indicate the nature, thus:—

Sections 361—372.—What is to be done when the death, marriage, or insolvency of one of the parties happens.

„ 373—375.—How suits may be *withdrawn* and *adjusted*.

„ 376—379.—Payment into Court.

„ 380—382.—Requiring security for costs in some cases.

„ 383—391.—Commissions to examine witnesses.

Sections 392—393.—Commissions for local investigation.

„ 394—395.— Ditto to examine accounts.

„ 396.— Ditto to make partition of immovable property not being revenue-paying land.

„ 397—400.—General provisions regarding Commissions.

On these I only offer a few remarks on points which may occur in suits in which a Forest Officer is concerned.

### § 1.—*Withdrawal and Adjustment or Compromise.*

The plaintiff may apply to the Court to *withdraw* the suit and bring another at a future time. When there is at present some *formal* defect which must cause the suit to fail, or otherwise if there are sufficient grounds as regards the whole suit or part of it, this will be allowed. (Section 373.)

Withdrawal can of course be made without permission, but then the plaintiff is liable to costs, and cannot bring a fresh suit.

There may also be a *compromise* or adjustment, and this when effected will be recorded and a final decree given in accordance with the terms arranged. (Section 375.)

### § 2.—*Commissions.*

I have already spoken of these as issued for the taking down of the evidence of a witness who cannot be produced personally before the Court. It may be that there is a question in a suit, which demands an enquiry on the spot, and the Judge cannot make it; a Commission for *local investigation* may then be issued to any person whom the Court thinks fit. The return to the Commission not only includes a report or description of the locality with any plans or survey that may be needed, but also the written depositions of witnesses examined on the spot. (Section 392.)

In the same way where an examination or adjustment of lengthy accounts is necessary, a Commission may be appointed to examine and report, and may, according to instructions furnished, either simply report results, transmitting his proceedings, or give an opinion on a point or points referred.